

William Michael Marshall  
Provence, Tiffany N v. United States of America, et al

December 14, 2021

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UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION  
IN ADMIRALTY

TIFFANY N. PROVENCE, AS THE PERSONAL  
REPRESENTATIVE OF THE ESTATE OF JUAN  
ANTONIO VILLALOBOS HERNANDEZ,

Plaintiff,

vs. CASE NO. 2:21-cv-965-RMG

UNITED STATES OF AMERICA, CROWLEY  
MARITIME CORPORATION, CROWLEY GOVERNMENT  
SERVICES, INC., DETYENS SHIPYARDS, INC.,  
AND HIGHTRAK STAFFING, INC. D/B/A HITRAK  
STAFFING, INC.,

Defendants.

**DEPOSITION OF: WILLIAM MICHAEL MARSHALL**

DATE: December 14, 2021

TIME: 11:47 a.m.

LOCATION: DETYENS SHIPYARDS, INC.  
1670 Dry Dock Avenue  
Suite 200  
North Charleston, SC

TAKEN BY: Counsel for the Plaintiff

REPORTED BY: MICHAEL DAVID ROBERTS,  
Court Reporter

1 requirements, PPE, fall protection. Just general  
2 safety stuff.

3 Q. Okay. And would you have attended that  
4 first arrival conference with the Lummus when it  
5 got here in either November or early December of  
6 2018?

7 A. I did not.

8 Q. Did not.

9 And who would have been the most senior  
10 person in your division that would have attended  
11 something like that, if you know?

12 A. Wayne Matayabas.

13 Q. All right. Did you attend any of the  
14 project meetings regarding the Lummus any time  
15 between November of 2018 and April 3rd of 2019?

16 A. No, sir.

17 Q. On the Lummus itself, what role, if  
18 any, did you play in inspecting the safety of the  
19 job or inspecting the project or anything like  
20 that?

21 A. Again, I don't do walk-throughs on the  
22 ships, so I have not inspected the boat.

23 Q. Okay. And is it true and accurate to  
24 say that you don't have any firsthand knowledge  
25 about the events that killed Mr. Hernandez on

1 April 3rd, 2019?

2 A. I went to the boat on the day of the  
3 event, okay.

4 Q. Okay. Is that the first time you had  
5 stepped on the Lummus as far as you know?

6 A. As far as I can recall.

7 Q. All right. Then let me narrow it down  
8 this way.

9 You weren't an eyewitness to any of the  
10 events; is that true, on April 3rd, 2019?

11 A. Of the -- of the --

12 Q. Before you actually arrived on the  
13 ship.

14 A. No.

15 Q. That's a bad question. It would be  
16 impossible.

17 Okay. Tell us how you were first  
18 called to the ship on April 3rd, 2019, what you  
19 remember about that?

20 A. We were having a department meeting in  
21 my office talking about how we were going to cover  
22 the work, and we got a call on the walkie-talkie.  
23 And I think I documented it as 9:30ish.

24 Q. Feel free -- and let me tell you, we've  
25 marked your report at exhibit number 2. It starts

1 A. Yes.

2 Q. Okay. And it's not necessarily true  
3 that a ship's crew would be very familiar with  
4 dismantling and overhauling a davit? I mean, isn't  
5 that why it's done in a shipyard?

6 A. That's part of the specs I assume, yes.

7 Q. Okay. And the memorandum for chocking  
8 the davit arms that's done now -- the way it's done  
9 now, that the davit arms are not just removed  
10 altogether, is that what you're referring to in the  
11 draft with lack of written instruction? Your draft  
12 report. I believe it was exhibit 3 under the root  
13 cause analysis.

14 A. When I read the spec, I didn't see --  
15 and, of course, I had never done any structural  
16 work when I was a trades person. I was a  
17 pipefitter. I didn't see anything that talked  
18 about restraining them and how to do it. There was  
19 no specific in my recollection on how to restrain  
20 those arms.

21 Q. Right.

22 Have you compared it to other specs  
23 that -- where other specs did provide that  
24 information?

25 A. I did not compare them.

1 Q. Okay. And, of course, if there's a  
2 question on how something should be done, there's  
3 probably a process for that in the contract  
4 documents?

5 A. Again, I don't get involved with the  
6 contract.

7 Q. Okay. So you're not here to testify on  
8 what should or should not be in a repair spec  
9 that's part of the ship repair contract?

10 A. No, sir.

11 Q. In your investigation, did you -- or  
12 whether it was through your investigation or just  
13 from your knowledge on the Lummus work in the yard,  
14 do you have any reason to believe that the ship's  
15 crew was involved in the repair of the lifeboat  
16 davits?

17 A. Not to my knowledge, no, sir.

18 MR. GILSENAN: All right. I believe  
19 that's all I have. Thank you very much.

20 THE WITNESS: Yes, sir.

21 EXAMINATION

22 BY MR. CLEMENT:

23 Q. Mr. Marshall, I do have a few questions  
24 for you.

25 At the time of the incident that is